

Appl. No. : 09/894,667  
Filed : October 23, 2000

COMMENTS

In response to the Office Action mailed September 14, 2001, Applicant respectfully requests the Examiner to reconsider the above-captioned application in view of the foregoing amendments and the following comments. The above-identified amendments are better understood with reference to the attached pages entitled **VERSION WITH MARKINGS SHOWING CHANGES**, in which changes to previously pending claims have been identified with underlining to indicate insertions and bracketing to indicate deletions.]

Amendments To The Title Address Noted Informality

The foregoing amendments to the title correct the informality noted by the Examiner. The amendment does not add new matter and overcomes the Examiner's objection. Entry of the amendment is respectfully requested.

Chao Does Not Anticipate Claim 29-34 and 37-89

Claims 29-34 and 37-89 have been rejected as anticipated by Chao. Applicant disagrees with the characterization of Chao and with the basis for the rejection. In short, Chao does not disclose at least one limitation of each of these claims.

Chao disclosed an eyeglass device that included a primary spectacles frame and an auxiliary spectacles frame. The primary spectacles frame is shown in Figure 3, a copy of which is reproduced below.

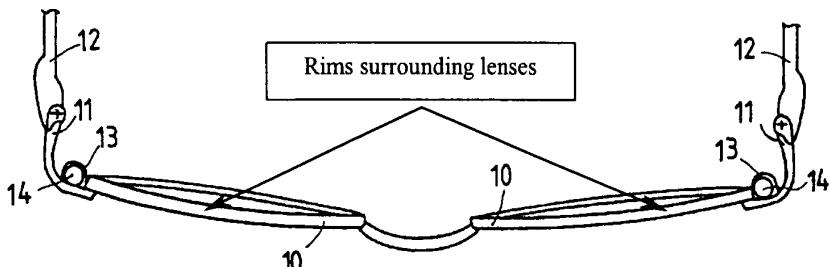


FIG. 3

As shown above, the primary spectacles frame included a pair of rims (not numbered) that extended around a pair of lenses. The primary spectacles frame also included a pair of rearwardly extending extensions 11. In the corners defined by the rearwardly extending extensions and the rims, a pair of projections 13 were mounted. These projections 13 were separate members from the frame and the extensions 11. The magnetic members 14 were mounted in the projections 13.

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Chao explained that the projections 13 and the magnetic members 14 were secured to the primary spectacle frame 10 and that the magnetic members 14 were not embedded in the frame 10 such that that frame 10 would not required to be formed with cavities therein and such that the strength of the frame would not be decreased. Col. 2, lines 61-67. Chao emphasized that the magnetic members were not embedded in at least three places in the specification (Col. 1, lines 29-35; Col. 2, lines 61-67 and Col. 3, lines 17-19). Thus, the projections 13 that contained the magnetic members were separate members from the frame 10 and were separately attached to the frame.

The present application recites features relating to a modified uniblock or monoblock construction. As described in the present application, a uniblock is a construction where the rimlock, the endpiece, and/or the hinge are formed as a single unit. A benefit resulting from this construction is fewer welded or brazed locations, which ultimately weaken the frame. The present invention presents a modification of a uniblock in which a securing member, such as a magnet, for instance, can be embedded.

As explained at page 2 of the present application, the piecemeal assembly of a rimlock, an endpiece, a hinge and a magnet housing (i.e., "projection" in Chao) produces an elongated and bulky structure. Furthermore, such a technique results in excessive labor and cost in the manufacturing of the prior art eyewear. Accordingly, Applicant has cleverly invented an improved construction that both reduces components and reduces labor. The construction advantageously simplifies manufacture of the components and facilitates rapid assembly.

Claim 29 recites, among other limitations, eyewear comprising a primary frame, the primary frame comprising a first lens and a second lens, a first attachment housing extending from the first lens, a second attachment housing extending from the second lens, the first attachment housing and the second attachment housing each comprising at least one of an endpiece, a hinge and at least a portion of a closing block, a first securing member is embedded within the first attachment housing and a second securing member is embedded within the second attachment housing. Thus, the attachment housings that contain the securing members are integrated with at least one of the endpiece, the hinge and at least a portion of the closing block. In addition, the recited securing members are embedded within the attachment housings. Chao did not disclose such an integrated construction and also taught against embedding magnetic members or other

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forms of securing members. For at least these reasons, Claim 29 is not anticipated and reconsideration of Claim 29 is respectfully requested.

Claims 30-50 depend from Claim 29 and are patentable for at least the same reasons as Claim 29. In addition, at least some of these claims recite further patentable distinctions. For instance, Claims 30 and 31 recite securing members that were not disclosed by Chao, which only disclosed magnetic members. Moreover, Claims 39, 47 and 49 more particularly recite additional components that are formed integrally with the attachment housings. Chao disclosed only a separate component that housed the magnetic members, as explained above. Claims 40-46 recite further features related to an integrated attachment housing and closing block and other related components. Chao did not disclose such an integrated construction. For at least these reasons, Claims 30-34 ad 37-50 are not anticipated and reconsideration is respectfully requested.

It should be noted that Claims 51-58 have been cancelled to better focus the claims in the present application. Applicant hereby reserves the right to pursue claims of similar scope in a later-filed continuing application.

Claim 59 recites, among other limitations, eyewear comprising a first lens, a second lens, a first uniblock connected to the first lens and a second uniblock connected to the second lens, *a first magnetic member embedded within a portion of the first uniblock and a second magnetic member embedded within a portion of the second uniblock*, a first rim wire extending at least part way around a circumference of the first lens and having a first end and a second end, a second rim wire extending at least part way around a circumference of the second lens and having a third end and a fourth end, *a first closing block connecting the first end and the second end and being at least partially integrally formed with the first uniblock and a second closing block connecting the third end and the fourth end and being at least partially integrally formed with the second uniblock*. As discussed above, such an integrated construction with embedded magnetic members was not disclosed by Chao and was taught away from by Chao. Reconsideration of Claim 59 is respectfully requested.

Claims 60-82 depend from Claim 59 and are patentable for at least the same reasons as Claim 59. In addition, at least some of these claims recite further patentable distinctions. For instance, Claims 60-62 and Claims 63-65 recite certain features of the integrated uniblock and closing block construction. In addition Claims 70 and 71 recite certain features in an arrangement

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in which a temple is hingedly connected to the uniblock. For at least these reasons, among others, Claims 60-82 are not anticipated by Chao and reconsideration is respectfully requested.

Claim 83 recites, among other limitations, eyewear comprising a first lens, a temple extending rearward from a side of the first lens, an attachment housing connected to the first lens *and extending to a side of the first lens different from the temple*, the attachment housing comprising a mounting surface, at least one second lens designed to be worn in front of the first lens, an arm connected to the second lens and extending to a side of the second lens, the arm extending rearward over the attachment housing to abut at least a portion of the mounting surface of the attachment housing, a first magnet connected to one of the attachment housing and the arm and magnetic material attached to the other of the attachment housing and the arm in such a manner that the magnet and the magnetic material are attracted to each other and help to keep the second lens in place with respect to the first lens. As is made clear by the highlighted portion, this construction recites a mounting surface that would be positioned between two lenses, if two lenses of a single frame were recited by the claim. As recited, the lens is disposed between the temple and the mounting surface (see Figure 8, for instance). Thus, this is completely different from the arrangement disclosed by Chao. Reconsideration is respectfully requested.

Claims 84-89 depend from Claim 83 and are patentable for at least the same reasons as Claim 83. Further discussion of these claims is wholly unwarranted based upon the dissimilarities between Chao and Claim 83. Reconsideration is respectfully requested.

**Claims 36 and 37 Are Patentable Over Chao**

Claims 36 and 37 were rejected as patentable over Chao. Because Chao did not disclose, and actually taught away from, the construction recited in Claim 29, from which these claims depend, these claims are patentable for at least the same reasons as Claim 29. Further discussion is unnecessary. Reconsideration is respectfully requested.

**A Terminal Disclaimer Will Be Filed, If Necessary**

Applicant notes the double patenting rejection and requests the requirement for a Terminal Disclaimer be held in abeyance until an indication of allowable subject matter is received.

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CONCLUSION

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims and specification. Accordingly, early issuance of a Notice of Allowance is most earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicant's attorney, Robert J. Roby at (949) 721-6359 (direct line), in order to resolve such issue promptly.

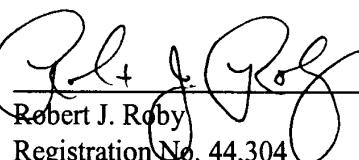
Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3-13-2002

By:



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**VERSION WITH MARKINGS SHOWING CHANGES MADE**

**IN THE CLAIMS:**

Claims 29, 39, 47, 49 and 59 have been amended as follows:

29. (Amended) Eyewear comprising a primary frame and an auxiliary frame adapted to be superimposed over a forward portion of said primary frame, said primary frame comprising a first lens and a second lens, said auxiliary frame comprising a third lens and a fourth lens, a first attachment housing extending from said first lens, a second attachment housing extending from the second lens, said first attachment housing and said second attachment housing each comprising at least one of an endpiece, a hinge and at least a portion of a closing block, a third attachment housing extending from the third lens, a fourth attachment housing extending from the fourth lens, said third attachment housing extending rearward to abut a portion of said first attachment housing, said fourth attachment housing extending rearward to abut a portion of said second attachment housing, a first securing member [supported by] embedded within said first attachment housing and a second securing member [supported by] embedded within said second attachment housing, said first securing member and said second securing member engaging with at least a portion of said third attachment housing and at least a portion of said fourth attachment housing such that said auxiliary frame is secured in position relative to said primary frame.

39. (Amended) The eyewear of Claim 29, wherein said first attachment housing comprises said at least a portion of a closing block.

47. (Amended) The eyewear of Claim 29, wherein said first attachment housing comprises [an] said endpiece.

49. (Amended) The eyewear of Claim 29, wherein said first attachment housing comprises [a] said hinge.

59. (Amended) Eyewear comprising a first lens, a second lens, a bridge connecting said first lens to said second lens, a first uniblock connected to said first lens and a second uniblock connected to said second lens, a first magnetic member [disposed] embedded within a portion of said first uniblock and a second magnetic member [disposed] embedded within a portion of said second uniblock, a first rim wire extending at least part way around a circumference of said first lens and having a first end and a second end, a second rim wire extending at least part way around a circumference of said second lens and having a third end and a fourth end, a first closing block

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connecting said first end and said second end and being at least partially integrally formed with said first uniblock and a second closing block connecting said third end and said fourth end and being at least partially integrally formed with said second uniblock.

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